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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,765	01/28/2002	Darryl Richard Schick	122185.100A	4138

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EXAMINER

NATNAEL, PAULOS M

ART UNIT PAPER NUMBER

2614

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/058,765

Applicant(s)

SCHICK ET AL.

Examiner

Paulos M. Natnael

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2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-16,18-20 and 35-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,5-16 and 18-20 is/are allowed.
- 6) ☒ Claim(s) 35 is/are rejected.
- 7) ☒ Claim(s) 36-52 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Upon further consideration, the previously indicated allowability of claim 35 has withdrawn. Examiner regrets the inconvenience this may cause the applicant.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim **35** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hossain, U.S. Patent Appl. Publication # 2003/0059199A1 in view of Ogilvie, U.S. 6,292,224.

Considering claim **35**, Hossain discloses the following claimed subject matter, note;

a) an image processing memory portion, the image processing memory portion including an image buffer for the computation of an image from a digital image file, is met by the digital video storage and playback standards 24, fig.2;

b) an integrated circuit in communication with the image processing memory portion, the circuit including integrated processing capability for the computing of a the image corresponding to the digital image file, is met by computer 14, fig.2;

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c) a video memory portion in communication with the circuit, the video memory portion being capable of storing a plurality of computed images that are computed by the circuit, is met by Transport Digital Storage Media 38, fig.2;

Except for;

d) wherein the apparatus is further capable of *inserting phase compensation pixels* in between video frames so that an identical subcarrier phase is established in consecutive video frames;

Regarding d), Hossain discloses a computer 14 that includes memory and software Hossain does not specifically disclose inserting phase compensation pixel. However, phase compensating in order to prevent dot-crawl in television signals is well known in the art. In that regard, Ogilvie discloses a method for eliminating dot-crawl on NTSC TV monitors. The additional half cycle causes a subcarrier phase inversion from frame to frame, which produces undesirable dot-crawl. The improvement comprises incrementing the phase of the color subcarrier by a fixed increment at a number of intervals in each picture frame to produce a total phase shift which prevents the phase inversion. It would have been therefore obvious to the skilled in the art at the time the invention was made to modify the reference Hossain by providing the phase compensation method of Ogilvie in order to prevent dot crawl on the TV monitor.

***Allowable Subject Matter***

4. Claims 1-3,5-17,18-20, are allowable over the prior art.

5. Claims **36-39**, is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to disclose the combination of the following limitation, comprising: a direct memory access controller that is capable of providing efficient data transfer to or from the media or interfaces that provide the digital image files to the apparatus, the image processing memory portion, the integrated circuit, and the video memory portion; and, wherein the apparatus is further capable of *inserting phase compensation pixels* in between video frames so that an identical subcarrier phase is established in consecutive video frames, as in claim 1;


### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tsyrchanovich, U.S. 6,163,346 discloses dot crawl reduction in NTSC/PAL graphic encoder.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (571) 272-7354. The examiner can normally be reached on 10:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paulos M. Natnael  
Primary Examiner  
Art Unit 2614

July 11, 2005